

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF  
AMERICA,

No. CR 06-0735 MAG

Plaintiff,

ORDER FOR CRIMINAL PRETRIAL  
PREPARATION

v.

KENNETH ELLER,

Defendant.

\_\_\_\_\_/

Good cause appearing, IT IS HEREBY ORDERED that:

A. TRIAL DATE. Trial before the JURY shall be on April 9, 2007 at 9:00 a.m. in Courtroom 205A, Second Floor, 514 H Street, Eureka California.

B. TRIAL LENGTH. The estimated length of trial is five to six days.

C. MOTIONS. All motions shall comply with Criminal Local Rule 47-2 and shall be heard on March 20, 2007 at 1:00 p.m. in Courtroom 205A. All motions shall be filed and served by March 9, 2007 by close of business. Any opposition shall be filed and served by March 16, 2007 by close of business. Before filing any motion, counsel for each party shall confer concerning any matter covered by Criminal Local Rule 16-1 relevant to the case, in particular subparagraphs (a),(b) and (c).

///

1 D. FINAL PRETRIAL CONFERENCE AND MOTIONS HEARING DATE shall be held  
2 on March 20, 2007 at 1:00 p.m. in Courtroom 205A. Not less than four days before the Pretrial  
3 Conference, counsel for the Government shall:

4  
5 (1) Serve and file a trial memorandum briefly stating the legal basis for the charges and  
6 the anticipated evidence, and addressing any evidentiary, procedural or other anticipated legal  
7 issues, including but not limited to the matters listed in Criminal Local Rule 17.1-1(b)(1) - (15);

8 (2) Serve and file a list of all witnesses who may be called, together with a brief  
9 summary of the testimony of each;

10 (3) Serve and file proposed jury instructions on all substantive issues and on any  
11 procedural issue not adequately covered by the court's standard instructions (which are  
12 published in the Ninth Circuit Manual of Model Jury Instructions);

13 (a) any instruction contained in the Ninth Circuit Model  
14 Instructions Manual may be requested by designation of its  
15 number;

16 (b) each other instruction shall be requested by setting forth the  
17 instruction in full text on a separate sheet with reference to  
18 supporting legal authority;

19 (4) Serve and lodge a proposed form of verdict and proposed questions for jury voir  
20 dire; and

21 (5) Serve and lodge three sets of all exhibits to be offered at trial, together with a  
22 complete list of those exhibits. Each item shall be premarked using the form attached;  
23 generally, the government shall use numbers and the defendant shall use letters. (See  
24 attachment).

25 Not less than four days before the Pretrial Conference, defense counsel shall comply  
26 with subparagraphs (3) and (4) above, and, to the extent consistent with the defendant's right  
27 to an effective defense, with subparagraphs (1),(2) and (5) above.

28 In particular, counsel shall confer in advance and be prepared to discuss with the court

1 any anticipated evidentiary objections or motions in limine and any means for shortening and  
2 simplifying the trial (e.g., by stipulating to such matters as chain of custody, nature of  
3 substances, use of the mails, admissibility of copies, etc.)

4 E. CHALLENGES. The procedure for exercising peremptory challenges in Criminal  
5 Local Rules 24-2 and 24-3 will be observed absent objection by the parties.

6 F. COPIES. Each document filed or lodged with the court must be accompanied by a  
7 copy for use in the Judge's chambers.

8 G. TRANSCRIPTS. If transcripts will be requested during or immediately after trial,  
9 arrangements must be made with the Court Reporter at least one week before trial  
10 commences. Call (707) 445 3612.

11 H. CHANGE OF PLEA. Counsel shall give prompt notice to the United States Attorney  
12 and to the court of any intention to change a previously entered not guilty plea. A written plea  
13 agreement must be submitted at least one day in advance of the plea.

14 DATED: 2/26/07

15  
16 

17 NANDOR J. VADAS  
18 United States Magistrate Judge  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ATTACHMENT 5, EXHIBIT FORM

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case No. \_\_\_\_\_

Exhibit No. \_\_\_\_\_

Date Entered: \_\_\_\_\_

RICHARD W. WIEKING, Clerk

By: \_\_\_\_\_  
Deputy Clerk